

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION**

ORDER

On December 23, 2008, the magistrate judge's report and recommendation was entered and the parties were allowed therein eleven (11) days in which to file objections to the recommendations made by the magistrate judge. To date, neither Petitioner nor Respondent have filed objections.

After careful consideration of the record in this case and the magistrate judge's report and recommendation, the court hereby **ADOPTS** the report of the magistrate judge. The court further **ACCEPTS** the recommendations of the magistrate judge and it is therefore

ORDERED, ADJUDGED and DECREED that the Motion to Vacate, Set Aside or Correct Sentence, filed pursuant to 28 U.S.C. § 2255, is due to be and is hereby **DENIED** and this action **DISMISSED**.

DONE and **ORDERED** this 28th day of January, 2009.

R. O. D.

R. DAVID PROCTOR
UNITED STATES DISTRICT JUDGE